

Appl. No.: 10/807,679
Amdt. dated October 22, 2009
Reply to Office Action of July 22, 2009

REMARKS/ARGUMENTS

This Amendment is filed in response to the Office Action dated July 22, 2009. In the Office Action: (1) Claims 33-35, 46, and 48-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,035,856 to Morimoto ("*Morimoto*") in view of U.S. Patent Publication No. 2004/0093312 to Cordery, et al. ("*Cordery*"); (2) Claims 36-43, 52-53, and 59-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view *Cordery*, and further in view of U.S. Patent 5,774,885 to Delfer, III ("*Delfer*"); and (5) Claims 44 and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Cordery*, and *Delfer*, and in further view of U.S. Patent Publication No. 2002/0077847 to Thiel ("*Thiel*") and U.S. Patent Publication No. 2002/0032643 to Himmelstein ("*Himmelstein*"). For the Examiner's reference, Claims 1-32 and 61-71 were previously withdrawn; Claims 33, 35, 46, 51, and 54 are currently amended; Claims 47 and 55-58 are cancelled; and Claims 33-46, 48-54, and 59-60 remain currently pending in the application for further consideration.

Claim Rejections under 35 U.S.C. § 103(a)

In the Office Action, Claims 33-46, 48-54, and 59-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Morimoto*, *Cordery*, *Delfer*, *Thiel*, and *Himmelstein*. (Office Action, pages 6, 11 and 17). For at least the following reasons, Applicant respectfully requests that the rejections of Claims 33-46, 48-54, and 59-60 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Independent Claims 33 and 46

Applicant has amended independent Claims 33 and 46 to further distinguish the claimed invention over the prior art. Applicant respectfully asserts that the amended claims are neither taught by *Morimoto* nor *Cordery* whether taken in combination or alone. In particular, *Morimoto* does not teach a shipper computer system or method configured to: (1) *determine whether the consignee address matches a rural destination classification or an urban destination classification*; (2) *generate a first carrier label in response to the consignee address matching the urban destination classification*; and (3) *generate a combination label including a*

subsequent carrier address field in response to the consignee address matching the rural destination classification. The amendment is supported on page 14 of the specification.

In column 10, *Morimoto* teaches an effective method of shipping goods. The first step of the process is for the shipping company to receive packages from the customer. Then the packages are placed inside a container 40A-40N with an attached memory device 50A-50N. If a package is too large, the memory device can be affixed directly to the package itself. The central server 90 determines the routing of the packages and creates a data file. The data file includes shipping information such as package tracking numbers, recipient's address, information about the intermediate destinations, and other relevant information. After the packages are placed in the containers, the containers are then placed in a physical carrier 30 with a memory device 60. The data file created by the central server 90 is stored to the memory devices 50A-50N and 60 by the shipping company. Further, if the physical carrier goes to an intermediate location, the routing information can be read from both memory devices 50A-50N and 60 attached to the containers and physical carrier.

Applicant respectfully submits that *Morimoto* does not teach or suggest the shipper computer system (customer) generating a combination label as claimed. As described above, *Morimoto* teaches that the memory devices containing the intermediate destination information are placed on the packages by the shipping company and not at the shipper. Various embodiments of the present invention are advantageous over *Morimoto* because they may allow the first shipping company to ship more efficiently. In some embodiments of the present invention, the first shipping company receives the packages already labeled for the first shipping company and the subsequent shipping company. This may allow, for example, for the packages to transfer seamlessly from one company to the next. Also, in certain embodiments, the shipping companies can ship the individual packages and do not have to consolidate each package into a container and the containers into a physical carrier like in *Morimoto*. In various embodiments, since the packages are already labeled, once the packages are received by the shipping company, the routing process can begin. In contrast, in *Morimoto* the packages are received by the first shipping company, placed into containers that include memory devices and the containers are consolidated into a carrier before the shipping of the package can begin.

Cordery likewise fails to teach or suggest a shipper computer system configured to: (1) *determine whether the consignee address matches a rural destination classification or an urban destination classification*; (2) *generate a first carrier label in response to the consignee address matching the urban destination classification*; and (3) *generate a combination label including a subsequent carrier address field in response to the consignee address matching the rural destination classification*. In fact, the Office Action cites *Cordery* for different purposes. In particular, the Examiner cites *Cordery* as teaching “*the first classification is an urban destination classification and the second is a rural destination classification*.” (Office Action, pg. 7). Since both of the cited references fail to teach or suggest the above, the cited references, even if combined, do not teach or suggest all of the recitations of independent Claims 33 and 46.

For at least the reasons discussed above, Applicant respectfully submits that independent Claims 33 and 46 are patentable over *Morimoto* in view of *Cordery*. Applicant, therefore, respectfully requests that the rejection of independent Claims 33 and 46 be withdrawn.

Rejection of Dependent Claims 34 and 35

Claims 34 and 35 depend, respectively, from independent Claim 33 and include all of the recitations of their base claims and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. For example, in addition to the recitations of Claim 33, dependent Claim 35 further recites “*package information data also includes a subsequent carrier tracking number different than the initial carrier tracking number*,” which is further not taught or suggested by *Morimoto* or *Cordery*, whether considered alone or in combination.

Thus, for at least the reasons set forth above with respect to independent Claim 33 it is respectfully submitted that dependent Claims 34 and 35 are further patentable over *Morimoto* in view of *Cordery* as such dependent claims now depend from allowable base claims.

Rejection of Dependent Claims 48 and 49

On Page 11, Items 19 and 20 of the Office Action, the Examiner has rejected dependent Claims 48 and 49 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Cordery*. Dependent Claims 48 and 49 depend from independent Claim 46 and therefore include

all the limitations of the independent claim. Accordingly, Applicant respectfully submits that dependent Claims 48 and 49 are patentable over Morimoto in view of Cordery as such dependent claims depend from allowable base Claim 46.

Rejection of Independent Claim 54

Applicant respectfully asserts that *Morimoto* in view of *Cordery* and *Delfer* does not teach or suggest each and every limitation of independent Claim 54. In particular, Claim 54 has been amended to recite, “an eighth executable code portion for obtaining a subsequent carrier tracking number that is different than the initial carrier tracking number, as part of the package information data and obtaining tracking data indicating detection of the subsequent carrier tracking number at the consignee address using a scanning device of a subsequent carrier physical delivery system,” which is not taught by either *Morimoto* or *Cordery*. (*Emphasis Added*). In contrast, *Morimoto* appears to discuss a unique identification number (one number) which can be usable by all of the different shipping companies.

For at least the reasons discussed above, Applicant respectfully submits that independent Claim 54 is patentable over *Morimoto* in view of *Cordery* and *Delfer*. Applicant, therefore, respectfully requests that the rejection of independent Claim 54 be withdrawn.

Rejection of Dependent Claims 36-43, 50-53, and 59-60

On Pages 11-17, Items 21-36 of the Office Action, the Examiner has rejected dependent Claims 36-43, 50-53, and 59-60 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Cordery*, and further in view of U.S. Patent 5,774,885 to Delfer (“*Delfer*”). In order to facilitate prosecution of the application, Applicant has amended Claim 51 to recite “the subsequent carrier computer system is further adapted for obtaining a subsequent carrier tracking number different than the initial carrier tracking number,” which is further not taught or suggested by *Morimoto*, *Cordery*, or *Delfer* whether considered alone or in combination.

Furthermore, dependent Claims 36-43, 50-53, and 59-60 depend from independent Claims 33, 46, and 54, respectively, and therefore include all the limitations of these independent claims plus additional limitations that further define the invention over the prior art. Accordingly, Applicant respectfully submits that dependent Claims 36-43, 50-53, and 59-60 are

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patentable over *Morimoto* in view of *Cordery* and *Delfer* as such dependent claims depend from allowable base Claims 33, 46, and 54.

Rejection of Dependent Claims 44 and 45

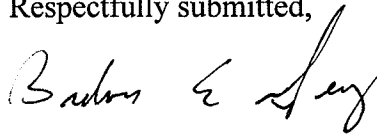
On Pages 17-18, Items 37-39 of the Office Action, the Examiner has rejected dependent Claims 44 and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Cordery* and *Delfer*, in further view of U.S. Published Patent Application 2002/0077847 to Thiel ("*Thiel*") and U.S. Published Patent Application 2002/0032643 to Himmelstein ("*Himmelstein*"). Applicant respectfully asserts that Claims 44 and 45 depend from independent Claim 33 and include all of the recitations of their base claim and any intervening claims. Thus, for at least the reasons set forth above with respect to independent Claim 33, it is respectfully submitted that dependent Claims 44 and 45 are further patentable over *Morimoto* in view of *Cordery* and *Delfer*, in further view of *Thiel* and *Himmelstein* as such dependent claims now depend from allowable base claims.

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CONCLUSION

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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